

Claim Rejections under 35 USC 112, Written Description

Claims 18-19, 33-36, 44, 50-53, and 66-69 have been rejected as failing to meet the written description requirement.

The Examiner has invited Applicants to submit the Zubko et al. reference (Plant J (2002) 29(6):797-808) for consideration by the office.

A supplemental IDS is filed herewith, providing said reference. Applicants respectfully request consideration with respect to support of the pending claims.

In light of the remarks and amendments made herein, Applicants request that all rejections as to written description be withdrawn.

Rejection – Double Patenting

Claims 18-19, 33-37, 44, 50-54 and 68-69 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent Number 6,992,237 B1.

Applicants are submitting concurrently a terminal disclaimer for claims of the pending application with respect to 6,992,237 B1.

In view of the above amendments and remarks, Applicants respectfully submit that all grounds for rejection have been overcome and that the claims as amended are in condition for allowance.

The Commissioner is hereby authorized to charge the payment of any fees under 37 C.F.R. §1.20(a) concerning this transaction, if they should be deemed applicant's mistake, or to credit any overpayment, to Deposit Account No. 16-1852.

Respectfully submitted,

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